

09/838,399

SCHNEIDER

REMARKS

Applicant has filed amended claims 21-35 to better encompass the full scope and breadth of the invention notwithstanding Applicant's belief that the claims would have been allowable as originally filed. Accordingly, Applicant asserts that no claims have been narrowed within the meaning of *Festo*.

I. Objection of Dependent Claims 5 and 13-17 Under 35 U.S.C. §102(e) as being anticipated by Durst

Dependent Claims 5 and Claims 13-17 stand objected under 35 U.S.C. §102(e) as being anticipated by Durst, Jr. et al. Examiner states in Paragraph 5 that Claims 5 and 13-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has rewritten Claim 5 in independent form as shown in independent Claim 21, which incorporates the steps of Claims 1, 2, 3, and 5. Similarly, Applicant has rewritten Claim 13 in independent form as shown in independent Claim 25, which incorporates the steps of Claims 1, 2, 3, 6, and 13.

Claims have been amended to define patentably over Durst and other references, alone or in combination. Dependent Claims 22-24, inclusive, incorporate all the subject matter of Claim 21 and add additional subject matter, which makes them, *a fortiori*, independently patentable over Durst. Furthermore, dependent Claims 26-34, inclusive, incorporate all the subject matter of Claim 25 and add additional subject matter, which also makes them, *a fortiori*, independently patentable over Smith.

II. Notice of References Cited, PTO-892

Applicant has carefully reviewed the references cited but not applied. Applicant respectfully submits that none of those references, alone or in any combination, remedy the deficiencies of the applied art, nor teach or suggest the claimed invention alone or in any combination.

III. Conclusion

For all of the above reasons, the present application and pending claims 21-35, as amended, are believed to be in condition for allowance. Applicant respectfully requests the Examiner to issue a formal Notice of Allowance directed to claims 21-35, inclusive.

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IV. Conditional Request For Constructive Assistance

If, for any reason the claims of this application are not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims pursuant to MPEP §707.07(j) in order that this application can be placed in allowable condition as soon as possible and without need for further proceedings.

Should the Examiner believe that a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact the Applicant at the telephone number listed below.

Respectfully submitted,

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